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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 313]

भोपाल, बुधवार, दिनांक 23 जुलाई 2014—श्रावण 1, शक 1936

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 23 जुलाई 2014

क्र. 4282-179-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में दण्ड विधि (मध्यप्रदेश संशोधन) विधेयक, 2014 (क्रमांक 18 सन् 2014) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL

No. 18 OF 2014.

THE CRIMINAL LAW (MADHYA PRADESH AMENDMENT) BILL, 2014.

TABLE OF CONTENTS

CLAUSES :

CHAPTER—I

PRELIMINARY

1. Short title.

CHAPTER—II

AMENDMENT TO THE INDIAN PENAL CODE

2. Amendment of Central Act, (No. 45 of 1860) in its application to the State of Madhya Pradesh.
3. Amendment of Section 272.

4. Amendment of Section 273.
5. Amendment of Section 274.
6. Amendment of Section 275.
7. Amendment of Section 276.

CHAPTER—III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

8. Amendment of Central Act, No. 2 of 1974 in its application to the State of Madhya Pradesh.
9. Amendment of First Schedule.

MADHYA PRADESH BILL

No. 18 OF 2014.

THE CRIMINAL LAW (MADHYA PRADESH AMENDMENT) BILL, 2014.

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1973 in their application to the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Sixty-Fifth year of the Republic of India as follows:—

CHAPTER—I

PRELIMINARY

Short title.

1. This Act may be called the Criminal Law (Madhya Pradesh Amendment) Act, 2014.

CHAPTER—II

AMENDMENT TO THE INDIAN PENAL CODE

Amendment of Central Act, No. 45 of 1860 in its application to the State of Madhya Pradesh.

2. The Indian Penal Code (No. 45 of 1860) (hereinafter referred to as the Penal Code), shall in its application to the State of Madhya Pradesh be amended in the manner hereinafter provided.

Amendment of Section 272.

3. In Section 272 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following words, namely:—

“shall be punished with imprisonment for life with or without fine:

Provided that the Court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment which is less than imprisonment for life.”.

Amendment of Section 273.

4. In Section 273 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following words, namely:—

“shall be punished with imprisonment for life with or without fine:

Provided that the Court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment which is less than imprisonment for life.”.

5. In Section 274 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following words, namely:—

Amendment of Section 274.

“shall be punished with imprisonment for life with or without fine:

Provided that the Court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment which is less than imprisonment for life.”.

6. In Section 275 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following words, namely:—

Amendment of Section 275.

“shall be punished with imprisonment for life with or without fine:

Provided that the Court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment which is less than imprisonment for life.”.

7. In Section 276 of the Penal Code, for the words “shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, substitute the following words, namely:—

Amendment of Section 276.

“shall be punished with imprisonment for life with or without fine:

Provided that the Court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment which is less than imprisonment for life.”.

CHAPTER—III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

8. The Code of Criminal Procedure, 1973 (No. 2 of 1974) (hereinafter referred to as the Code of Criminal Procedure), shall in its application to the State of Madhya Pradesh, be amended in the manner hereinafter provided.

Amendment of Central Act, No. 2 of 1974 in its application to the State of Madhya Pradesh.

9. In the First Schedule to the Code of Criminal Procedure, under the heading “I- OFFENCES UNDER THE INDIAN PENAL CODE”, for the entries relating to Section 272 to 276, the following entries shall be substituted, namely:—

Amendment of First Schedule.

Section	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
(1)	(2)	(3)	(4)	(5)	(6)
“272	Adulterating food or drink intended for sale, so as to make the same noxious.	Imprisonment of life, with or without fine.	Cognizable	Non-bailable	Court of Session

(1)	(2)	(3)	(4)	(5)	(6)
273	Selling any food or drink as food and drink knowing the same to be noxious.	Ditto	Ditto	Ditto	Ditto
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto	Ditto	Ditto	Ditto
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto	Ditto	Ditto	Ditto
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto	Ditto	Ditto	Ditto''.

STATEMENT OF OBJECTS AND REASONS

In Writ Petition (Civil) No. 159 of 2012 Swami Achyutanand Tirth and others versus Union of India and others, the Supreme Court of India in its interim order dated 5th December, 2013 has taken note of the practice of adulteration of milk and milk products by using synthetic and harmful materials and that being sold in the market is going unabatedly in the country. The consumption of the adulterated milk and milk products are haszardous to human health and also lead to cancer. This State of affairs is very alarming causing serious health hazards. In many of the cases, even though prosecution has been launched, the maximum sentence is only six months imprisonment. Taking note of the seriousness of the offence of adulteration of food and drink intended for sale, the State of Uttar Pradesh has amended Section 272 of the Indian Penal Code by enhancing the sentence to imprisonment for life and also fine. Similar amendment has been made in the States of West Bengal and Odisha. Considering the seriousness of the offence, the Supreme Court has directed that similar amendments are to be made in other States as well.

2. In compliance of the directions of the Supreme Court, it is decided to amend Section 272 of the India Penal Code (No. 45 of 1860), by enhancing the sentence to imprisonment for life with or without fine, in its application to the State of Madhya Pradesh. Similar to the State Uttar Pradesh, West Bengal and Odisha, it is also decided to amend Sections 273, 274, 275 and 276 of the Indian Penal Code, in its application to the State of Madhya Pradesh, so as to made it at par with the sentence specified in Section 272. The offence of sale of noxious food or drink under Section 273, adulteration of drugs under Section 274, sale of adulterated drugs under Section 275 and sale of drug as a different drug or preparation under Section 276 are also serious offences affecting the public health.

3. Due to the proposed amendments in Section 272 to 276 of the Indian Penal Code, it is consequently decided to amend the First Schedule to the Code of Criminal Procedure, 1973 (No. 2 of 1974), in its application to the State of Madhya Pradesh, so as to make these serious offences cognizable, non-bailable and triable by Court of Session.

4. Hence this Bill.

Bhopal :
Dated the 17th July, 2014.

KUSUM SINGH MAHDELE
Member-in-Charge.